



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Medical Assistance Services
Virginia Administrative Code (VAC) citation	12VAC 30-80-190
Regulation title	Methods and Standards for Establishing Payment Rates – Other Types of Care
Action title	Emergency Room Physician Reimbursement Increase
Document preparation date	

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The 2005 Act of the Assembly, Chapter 951, Item 326 JJJ (2) directed the Department of Medical Assistance Services (DMAS) to increase the rates paid for emergency room services by 3%, effective May 1, 2006. This final exempt regulatory change implements that 2005 mandate.

Statement of agency final action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

I hereby approve the foregoing Agency Background Document with the attached amended State Plan pages Methods and Standards for Establishing Payment Rates – Other Types of Care (12 VAC 30-80-190) and adopt the action stated therein. I certify that this final regulatory action has completed all the requirements of the Code of Virginia § 2.2-4012, of the Administrative Process Act.

 Date

 Patrick W. Finnerty, Director

Dept. of Medical Assistance Services

Substance

Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate.

The section of the State Plan for Medical Assistance that is affected by this action is the Methods and Standards for Establishing Payment Rates - Other Types of Care (12 VAC 30-80-190).

Item 326 JJJ (2) of the 2005 Appropriation Act mandated a 3% increase to reimbursement for physicians delivering emergency room services. These same services had been increased by 2% based on the 2004 Appropriation Act. Since the 2% increase from the 2004 Act has already been implemented, 12 VAC 30-80-190 is being amended to implement the additional 3% increase with an effective date of May 1, 2006. In order to implement this rate increase, 12 VAC 30-80-190 needs to be amended. This section of the Administrative Code defines the methodology for physician fee schedule rate setting under the Resource Based Relative Value Scale (RBRVS) system.

Please note: 12 VAC 30-80-190 is currently the subject of a separate emergency regulation that implements fee increases for Obstetrical and Gynecological Services, Pediatric Services and for Adult Primary and Preventive Care Services. Changes to the structure of 12 VAC 30-80-190 that appear in the separate emergency regulation do not appear in this exempt action. These structural differences will be harmonized in the permanent, final regulations that will be promulgated to replace the separate emergency regulations upon their expiration.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action will not have any negative effects on the institution of the family or family stability. It will not increase or decrease disposable family income or erode the marital commitment. It will not discourage economic self-sufficiency, self-pride, or the assumption of family responsibilities.